

### **INTRODUCTORY COMMENTS**

A Notice of Non-Compliant Amendment was mailed to the Applicant on May 1, 2008, indicating that the Response to Non-final Office Action filed on April 7, 2008 included amended drawings that were not properly identified in the top margin as "Replacement Sheet", "New Sheet" or "Annotated Sheet" as required by 37 CFR 1.121(d).

However, the Applicant notes that the figures filed with the Response to Non-final Office Action were not submitted as amendments to the drawing figures of the subject application, and are therefore not subject to the requirements of 37 CFR 1.121(d). Instead, the drawings were attached to the "Declaration of Prior Invention", and were submitted as part of the Invention Disclosure accompanying the Declaration. (See page 3, lines 21-26 of the Response to Non-final Office Action). Since the drawings were submitted as part of the Invention Disclosure accompanying the Declaration of Prior Invention, and not as proposed amendments to the drawings figures, the Notice of Non-Compliant Amendment is believed to be improper. Accordingly, withdrawal of the Notice of Non-Compliant Amendment is respectfully requested along with entry and consideration of the Response to Non-final Office Action filed on April 7, 2008.

## CONCLUSION

In response to the Notice of Non-Compliant Amendment mailed to the Applicant on May 1, 2008, as indicated above, since the indicated drawings were submitted as part of the Invention Disclosure accompanying a Declaration of Prior Invention, and not as proposed amendments to the drawings figures, the Notice of Non-Compliant Amendment is believed to be improper and withdrawal of the same is respectfully requested. The Applicant also requests entry of the previous Response to Non-final Office Action filed with the U.S. Patent and Trademark Office on April 7, 2008.

Reconsideration of the subject application is respectfully requested. Timely action towards a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the subject application.

Respectfully submitted,

By: 

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